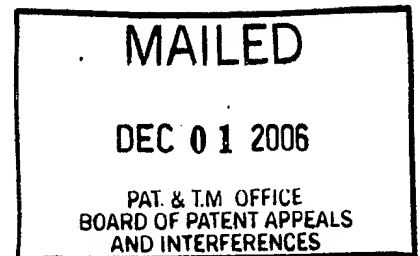


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte CHRISTIAN LITA

Application 09/282,692



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

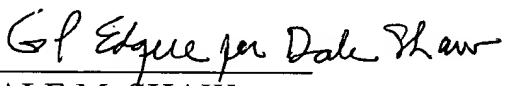
This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on October 30, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On May 4, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 2, paragraph 8, the examiner has stated, "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that reference to Cherkasova et al. (U.S. Patent No. 6,360,270), was applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer. Before further review, the examiner must submit a corrected Examiner's Answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

Accordingly, it is ORDERED that the application is returned to the
Examiner to:

- 1) to issue a revised Examiner's Answer having the missing reference listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



DALE M. SHAW
Deputy Chief Appeals Administrator
(571)272-9797

DMS:pgc

cc: IBM Corporation
Intellectual Property Law
11400 Burnet Road
Austin, TX 78758